

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

IRIS PRICE,

PLAINTIFF

VS.

NO. 2:04CV338-MPM-DAS

**METROPOLITAN LIFE INSURANCE
COMPANY, ET AL.,**

DEFENDANTS

ORDER

Before the Court are plaintiff's motion (doc. 60) to compel Pillowtex, Inc. ("Pillowtex") and Metropolitan Life Insurance Company ("MetLife") to produce completed life insurance applications and motion to strike and MetLife's response (doc. 66).

As an initial matter, plaintiff has alleged no facts whatsoever in support of her motion to strike, and the same is hereby **DENIED**. As regards the motion to compel, Pillowtex has made no appearance in this lawsuit, so the motion is not proper with respect to this entity. MetLife, on the other hand, has consistently stated in response to plaintiff's requests that it has never had possession or control of the life insurance applications sought by plaintiff. According to MetLife, if any such documents exist, they would be in the possession of Pillowtex, the now bankrupt administrator of the subject plan. Based on this, the Court cannot compel MetLife to produce what it does not have, and the instant motion is hereby **DENIED**.

THIS, the 25th day of July, 2008.

**/s/ David A. Sanders
U. S. MAGISTRATE JUDGE**